

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNPAUL SCHOWACHERT,
Plaintiff,
v.
BILL POLLEY,
Defendant.

No. 1:23-cv-01645-KES-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DISMISSING
ACTION AS DUPLICATIVE

(Doc. 8)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 19, 2023, the assigned magistrate judge issued findings and recommendations recommending that the instant action be dismissed as duplicative of Schowachert v. Polley, No. 1:21-cv-01107-NODJ-HBK (*Schowachert I*).¹ Doc. 8. The findings and recommendations were served on plaintiff and contained notice that objections were to be filed within fourteen days. *Id.* at 4. Plaintiff did not file objections and the time to do so has passed.

In accordance with 28 U.S.C. § 636(b)(1), this court has conducted a de novo review of

¹ On March 14, 2024, *Schowachert I* was reassigned to District Judge Kirk E. Sherriff and the case number changed to 1:21-cv-01107-KES-HBK.

1 this case. Having carefully reviewed the file, the court concludes that the magistrate judge's
2 findings and recommendations are supported by the record and proper analysis.

3 Accordingly, it is HEREBY ORDERED:

- 4 1. The findings and recommendations issued on December 19, 2023, Doc. 8, are
5 ADOPTED IN FULL;
6 2. This action is DISMISSED as duplicative of Schowachert v. Polley, No. 1:21-cv-
7 01107-KES-HBK; and
8 3. The Clerk of Court is directed to close this case.

9
10
11 IT IS SO ORDERED.

12 Dated: July 3, 2024



UNITED STATES DISTRICT JUDGE